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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,284	04/04/2001	Hiroshi Matsuuchi	50023-136	4052

7590 01/12/2005  
MCDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER

KING, JUSTIN

ART UNIT PAPER NUMBER

2111

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/825,284	<b>Applicant(s)</b> MATSUUCHI ET AL.	
	<b>Examiner</b> Justin I. King	<b>Art Unit</b> 2111	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 3, 8, 14 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 9-13 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/18/04</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 3, 8, 14, and 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/3/04.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4-7, 9-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by the Baker et al. (U.S. Patent No. 6,006,286).

Referring to claim 1: Baker discloses configuration information including channel priority information (figure 3, structure 128, column 13, lines 13-40, column 14, lines 25-27) and channel selecting unit (figure 3's structure 102 and figure 4, column 13, lines 41-59) operable to select a channel. Hence, claim is anticipated by Baker.

Referring to claim 2: Baker incorporates the 1394 standard and arbitrates the bus accordingly (column 12, 3<sup>rd</sup> paragraph). The incorporated 1394 priority/bus arbitration scheme is equivalent to the claimed configuration information given as priority information to respective

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plug, and means for selecting the channel according to the 1394 scheme is equivalent to the claimed channel switching unit. Hence, claim is anticipated by Baker.

Referring to claim 4: Baker discloses synchronous stream (column 12, line 11).

Referring to claim 5: Baker discloses IEEE 1394 (column 12, line 28).

Referring to claim 6: Baker discloses configuration information registers including channel priority information (figure 3, structure 128, figure 4, structure 124, column 13, lines 13-59, column 14, lines 25-27), connecting information (column 10, lines 17-28), and channel selecting unit (figure 3's structure 102 and figure 4, column 13, lines 41-59) operable to select a channel. Hence, claim is anticipated by Baker.

Referring to claim 7: Baker incorporates the 1394 standard and arbitrates the bus accordingly (column 12, 3<sup>rd</sup> paragraph). The incorporated 1394 priority/bus arbitration scheme is equivalent to the claimed registered configuration information plug priority, and means for selecting the channel according to the 1394 scheme is equivalent to the claimed channel switching unit. Hence, claim is anticipated by Baker.

Referring to claim 9: Baker discloses configuration information registers including channel priority information (figure 3, structure 128, figure 4, structure 124, column 13, lines 13-59, column 14, lines 25-27), connecting information (column 10, lines 17-28), and channel selecting unit (figure 3's structure 102 and figure 4, column 13, lines 41-59) operable to select a channel. Hence, claim is anticipated by Baker.

Referring to claim 10: Baker incorporates the 1394 standard and arbitrates the bus accordingly (column 12, 3<sup>rd</sup> paragraph). The incorporated 1394 priority/bus arbitration scheme is equivalent to the claimed registered configuration information plug priority, and means for

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selecting the channel according to the 1394 scheme is equivalent to the claimed channel switching unit. Hence, claim is anticipated by Baker.

Referring to claim 11: Baker discloses configuration information including channel priority information (figure 3, structure 128, column 13, lines 13-40, column 14, lines 25-27) and channel selecting unit (figure 3's structure 102 and figure 4, column 13, lines 41-59) operable to select a channel. Hence, claim is anticipated by Baker.

Referring to claim 12: Baker incorporates the 1394 standard and arbitrates the bus accordingly (column 12, 3<sup>rd</sup> paragraph). The incorporated 1394 priority/bus arbitration scheme is equivalent to the claimed configuration information given as priority information to respective plug, and means for selecting the channel according to the 1394 scheme is equivalent to the claimed channel switching unit. Hence, claim is anticipated by Baker.

Referring to claim 13: Baker discloses synchronous stream (column 12, line 11).

Referring to claim 15: Baker discloses IEEE 1394 (column 12, line 28).

### ***Response to Arguments***

4. In response to the Applicant's argument that the prior art does not have the priority information included in the configuration information (Remark, page 12): The argument is mooted in view of the rejection based on new prior art. The prior art Baker discloses the priority information included in the configuration information. Baker discloses that the priority encoder (figure 3, structure 128) receiving comparator control information (figure 3, structure 110) and then generating output (column 13, lines 13-32). Thus, Baker reads on the priority information included in the configuration information.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"IEEE Standard for a High Performance Serial Bus", 1995, Microprocessor and Microcomputer Standards Committee of the IEEE Computer Society, pages 166-175.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action and Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 11/18/04 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a) and MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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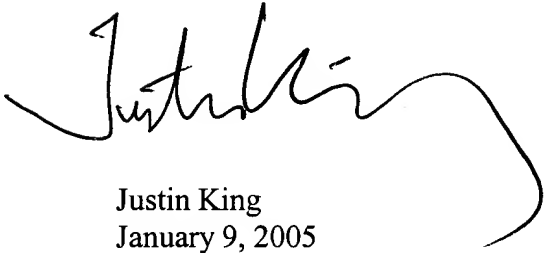
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin I. King whose telephone number is 571-272-3628. The examiner can normally be reached on Monday through Friday, 9:00 am to 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 571-272-3632 or on the central telephone number, (571) 272-2100. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

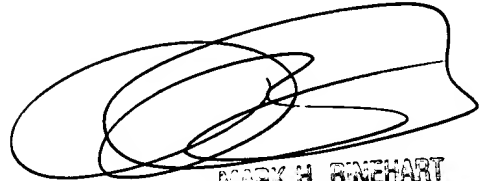
Lastly, paper copies of cited U.S. patents and U.S. patent application publications will cease to be mailed to applicants with Office actions as of June 2004. Paper copies of foreign patents and non-patent literature will continue to be included with office actions. These cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. Applicants are referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197 for information on this policy. Requests

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to restart a period for response due to a missing U.S. patent or patent application publications  
will not be granted.



Justin King  
January 9, 2005



MARK H. RINEHART  
SUPERVISORY PATENT EXAMINER  
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